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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,648	07/27/2000	Kirk Bingeman	LET/03X	2731

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EXAMINER

CHEUNG, MARY DA ZHI WANG

ART UNIT PAPER NUMBER

3621

DATE MAILED: 05/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/626,648

Applicant(s)

BINGEMAN ET AL.

Examiner

Mary Cheung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Status of the Claims

1. Claims 1-11 are pending. Claims 1, 6 and 7 have been amended. Claims 10-11 have been added.

Response to Arguments

2. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's concerns of the rejection "under 35 U.S.C. 103(a) the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102" in the previous office action, examiner has made the correction as shown below.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher, U. S. Patent 5,507,485 in view of Germain, U. S. Patent 5,319,548 in further view of Fano, U. S. Patent 6,317,718.

As to claim 1, Fisher teaches a method for administering use of a golf course information system implemented in a golf cart or other roving units with display monitor adapted to provide display of any of all of course and hole layout, course features and distance information to assist a golfer in play of the golf course, or of specific information of interest to the individual from external networks including tournament and individual scoring to enhance the golf experience (abstract and column 4 lines 20-65 and column 5 lines 52-54 and Fig. 5).

Fisher does not specifically teach invoking a gratis trial period less than an entire round of play of the course during which the cart display of such information is activated for a golfer commencing use of the cart, and automatically rendering said cart display of

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such information inactive at the end of said gratis trial period unless, by that point of play, a payment authorization for completion of the round with activated cart display has been made by a golfer using the cart. However, the similar matter is taught by Germain as a golf course information system sets up account information for each golfer, each golfer is required to have sufficient payment or payment authorization for playing golf (column 11 line 13 – column 12 line 23 and Figs. 6-7). Germain does not specifically teach providing a gratis trial period less than an entire round of play of the course for the player. It would have been obvious to one of ordinary skill in the art to allow the Germain to provide a gratis trial period less than an entire round of play of the course for each golfer because it would attract more golfers to use the system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the Fisher to include a gratis trial period for each golfer, and after the trial period, the golfer require to pay for using the system as taught by the modified method of Germain because it would attract more golfers to use this golf course system, and it would also be easier for the owner of the golf course system to collect money from the golfers for using the system.

The method of Fisher modified by Germain does not specifically teach the golf course information system includes providing stock quotations and electronic mail for enhance the golf experience. Fano teaches a global positioning system comprising functions of providing stock quotations and electronic mail (column 9 lines 34-36 and column 29 lines 62-63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the method of Fisher modified by Germain to

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include the feature of receiving stock quotations and email for external networks so that the golfers would not miss important information while playing golf.

As to claim 2, the method of Fisher modified by Germain teaches providing the golfer with a capability to enter a payment authorization during or at the end of said gratis trial period (Germain: column 11 line 13 – column 12 line 23 and Figs. 6-7 and see claim 1 above).

As to claim 3, the method of Fisher modified by Germain teaches providing a capability to enter payment authorization comprises outfitting the cart with said capability (Fisher: column 5 lines 52-54; Germain: column 11 line 13 – column 12 line 23 and Figs. 6-7; see claim 1 above).

As to claim 4, the method of Fisher modified by Germain teaches providing a capability to enter payment authorization comprises locating a kiosk outfitted with said capability at point of play to be traversed by the cart during or at the end of said gratis trial period (Fisher: column 5 lines 52-54; Germain: column 11 line 13 – column 12 line 23 and Figs. 6-7; see claim 1 above).

As to claim 5, the method of Fisher modified by Germain teaches said capability comprises at least one of a credit, debit or smart card reader, a paper currency reader, a key pad, a touch sensitive screen, an optical scanner, a magnetic scanner, and a wireless communicator (Germain: column 11 line 13 – column 12 line 23 and Figs. 6-7).

Claims 6-7 are rejected for the similar reason as claim 1.

6. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher, U. S. Patent 5,507,485 in view of Germain, U. S. Patent 5,319,548.

As to claims 8-11, all the limitations are taught by Fisher modified by Germain as discussed in claim 1.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

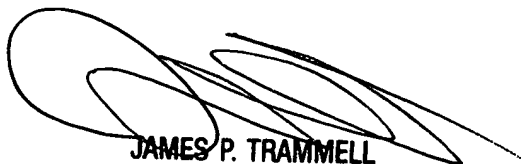
The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 305-7687 (Official Communications; including After Final
Communications labeled "BOX AF")

(703) 746-5619 (Draft Communications)

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, 7th Floor Receptionist.

Mary Cheung
Patent Examiner
Art Unit 3621
May 27, 2003


JAMES P. TRAMMELL
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